

CHAPTER 40

**STATE BOARD OF PROFESSIONAL ENGINEERS
AND LAND SURVEYORS**

Authority

N.J.S.A. 45:8-27 et seq.

Source and Effective Date

R.1995 d.474, effective August 2, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

Executive Order No. 66(1978) Expiration Date

Chapter 40, State Board of Professional Engineers and Land Surveyors, expires on August 2, 2000.

Chapter Historical Note

All provisions of this chapter were adopted by the State Board of Professional Engineers and Land Surveyors, Division of Professional Boards, Department of Law and Public Safety, pursuant to authority delegated at N.J.S.A. 45:8-27 et seq. and became effective prior to September 1, 1969.

Subchapter 7 became effective September 10, 1981 as R.1981 d.320. See: 13 N.J.R. 231(a), 13 N.J.R. 607(a). Amendments to sections 1.1 and 1.2 became effective February 7, 1983 as R.1983 d.36. See: 14 N.J.R. 1345(a), 15 N.J.R. 157(d). Subchapter 6 was readopted in compliance with Executive Order No. 66(1978), effective September 15, 1983 as R.1983 d.418. See: 15 N.J.R. 1077(a), 15 N.J.R. 1667(a). Subchapter 8 became effective May 6, 1985 as R.1985 d.225. See: 16 N.J.R. 1027(a), 17 N.J.R. 1133(a). Subchapter 9 became effective May 6, 1985 as R.1985 d.222. See: 16 N.J.R. 206(b), 17 N.J.R. 1134(a).

Subchapter 1 was repealed and a new subchapter adopted: Subchapter 2 "Title blocks for land surveyors" was repealed, effective January 21, 1986 as R.1985 d.694. See: 17 N.J.R. 2602(b), 18 N.J.R. 205(a).

Subchapter 2, Title Blocks for Land Surveyors, became effective prior to September 1, 1969. Amendments became effective February 7, 1983 as R.1983 d.36. See: 14 N.J.R. 1345(a), 15 N.J.R. 157(d). This subchapter was repealed effective January 21, 1986 as R.1985 d.694. See: 17 N.J.R. 2602(b), 18 N.J.R. 205(a).

Subchapter 2, Application Requirements, became effective September 8, 1987 as R.1987 d.355. See: 19 N.J.R. 851(a), 19 N.J.R. 1649(b). Subchapter 10, Contract to Provide Professional Services, was adopted as R.1989 d.64, effective February 6, 1989. See: 20 N.J.R. 2243(b), 21 N.J.R. 339(a).

Subchapter 10, Contract to Provide Professional Services, was adopted as R.1989 d.64, effective February 6, 1989. See: 20 N.J.R. 2243(b), 21 N.J.R. 339(a).

Pursuant to Executive Order No. 66(1978), Chapter 40 was readopted as R.1990 d.434, effective August 3, 1990. See: 22 N.J.R. 1867(a), 22 N.J.R. 2747(f).

Petitions for Rulemaking. See: 25 N.J.R. 3032(a), 25 N.J.R. 3871(a).

Subchapter 11, Land Surveyors: Continuing Competency, was adopted as R.1995 d.305, effective June 19, 1995. See: 26 N.J.R. 4314(a), 27 N.J.R. 2415(a).

Pursuant to Executive Order No. 66(1978), Chapter 40, State Board of Professional Engineers and Land Surveyors, was readopted as R.1995 d.474, effective August 2, 1995. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. TITLE BLOCKS AND SEALS FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

13:40-1.1 Sealing documents

(a) All sealing of documents shall be done with an impression-type seal. A rubber stamp facsimile of the seal shall not be used.

(b) The application of a signature and seal to documents relating to the practice of professional engineering and/or land surveying shall indicate that the licensee has provided regular and effective supervision to those individuals performing services which directly and materially affect the quality and competence of the engineering or land surveying work rendered.

1. The following documents shall be signed and sealed:

- i. Maps, plats, reports, descriptions, plans, design specifications, certifications or similar documents; and
- ii. Shop drawings for the construction of buildings, structures and related equipment, or for other purposes, the preparation of which requires engineering calculations and/or engineering input. Catalog information and standard product information shall be exempt from the requirements of this section.

(c) The signature and/or seal signifies that the licensee takes professional responsibility for the document based upon the accepted standards of practice in place at the time the documents were sealed.

(d) Where the document includes the work of more than one professional, each professional shall sign and seal the document with clear reference to the work that he/she has performed. See N.J.A.C. 13:40-1.6 for title block requirements.

(e) A licensee shall not affix a signature and/or seal to documents constituting the practice of the profession regulated which have been prepared by another person unless such work was performed under the direction and supervision of the licensee.

(f) Incomplete and/or all draft plans, documents and sketches, whether advanced or preliminary copies, shall be conspicuously identified and may be signed but shall not be sealed.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

13:40-1.2 Title block on drawings; forms; removal

(a) Every licensee shall provide a title block on all drawings (except renderings), and similar information on the title page of all specifications which are prepared and sealed.

(b) The title block shall be in such form as the Board may adopt or approve.

(c) Such title block shall be distinct and separate from any other title block, plaque, or any similar device of illustration or lettering.

(d) The title block shall be lettered on the drawing in such a manner as to reproduce clearly on all prints and reproductions thereof.

(e) No person shall remove a title block from any print or reproduction for any reason.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

13:40-1.3 Title block contents

(a) The title block shall contain:

- 1. The name and location of the project;
- 2. The name of the engineering or land surveying individual firm, partnership, corporation, professional association or professional service corporation;
- 3. The full name and certificate number of the person(s) in responsible charge;
- 4. The title "professional engineer" and/or "land surveyor" spelled out;
- 5. The handwritten signature of the person(s) in responsible charge and the date when signed.

(b) An appropriate title block shall be provided on a site plan which shall be included in any set of drawings of a building project. Any plan including land surveying data

must also bear the title block or identity of the land surveyor who performed the land surveying work.

(c) The title block may contain the initials of the draftsmen or checker, and dates, drawing numbers, revision numbers and such similar incidental items as are customary in practicing engineers' or land surveyors' offices, provided that the name of the person(s) in responsible charge is readily discernible from the other information on the document and contained within the heavy borderline of the title block.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

13:40-1.4 Proposed title block form

Any licensee may submit a proposed form of title block to the State Board of Professional Engineers and Land Surveyors for approval.

13:40-1.5 Title block use for professional engineer and land surveyor work project

In the event the project contains the work of both a professional engineer and land surveyor, any individual licensed in both professions may use the title "professional engineer and land surveyor" which shall be spelled out in one title block.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

13:40-1.6 Subtitle block of independent professional

If a project includes the work of any other licensed professional, not under the immediate supervision of the licensee in responsible charge and not otherwise identified in accordance with N.J.A.C. 13:40-7, a subtitle block of that professional firm or individual must appear on all plans involving that profession.

SUBCHAPTER 2. APPLICATION REQUIREMENTS

13:40-2.1 Form

All applications must be typewritten and notarized.

13:40-2.2 Deadlines

(a) All applications and supplemental documents must be submitted to the Board office within the prescribed deadlines to be considered for admission to the next regularly scheduled examination. It is the applicant's responsibility to verify the receipt of all documents by the Board office.

(b) Failure to meet prescribed deadlines shall result in the denial of the application and said application will be considered for the next scheduled examination.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

13:40-2.3 Education

(a) Each applicant shall provide the Board with an official transcript reflecting the degree(s) earned by the applicant. Said transcript must be sent directly from the institution to the Board and must include the Board assigned application number of the applicant.

(b) Engineering curriculum shall not be accepted for licensure unless approved by the Board and shall consist of the following minimum requirements:

1. 128 semester hours, 80 of which shall consist of:
 - i. 32 semester hours of a combination of mathematics and basic sciences;
 - ii. 32 semester hours of engineering sciences;
 - iii. 16 semester hours of engineering design.

2. For purposes of conversion, one semester hour equals 1.5 quarter hour credits.

(c) Engineering technology curriculum shall not be accepted for licensure unless approved by the Board and shall consist of the following minimum requirements:

1. 124 semester hours which shall consist of:
 - i. 48 semester hours of technical science courses in the specialty section, for example, mechanics, strength materials, hydraulics, engineering graphics, surveying, soils and foundations, computer technology, engineering materials;
 - ii. 24 semester hours of basic science and mathematics inclusive of the following courses: physics, including the appropriate laboratory exercises; analytical chemistry, including the appropriate laboratory exercises; analytical geometry; applied differential and integral calculus; thermodynamics; and

iii. The balance of hours shall be designed to achieve an integrated and well rounded technology degree, including design sequences in a major technology area appropriate to bachelor degree program needs, that is, electrical, mechanical, construction/civil technology degrees.

(d) Land surveying curriculum shall not be accepted for licensure unless approved by the Board and shall consist of the following minimum requirements:

1. 128 semester hours shall consist of:
 - i. 45 semester hours in surveying and mapping science and practice;
 - ii. The following topics shall be incorporated in the surveying and mapping science requirements: field surveying/data collection, instrumentation and methods, measurement data reduction and data adjustment (least squares), geodesy, geodetic positioning/orientation and Global Positioning System GPS, Geographic Informa-

tion System (GIS), Land Information System (LIS), photogrammetry and remote sensing, map projection and coordinate systems;

iii. The following topics shall be incorporated in the surveying and mapping practice requirements and shall constitute a minimum of 15 of the required 45 semester hours. Of these required 15 semester hours, a minimum of nine semester hours shall be spent on design and field exercises in the above mentioned course materials, legal systems and legal research. A minimum of six semester hours shall be spent on cadastral or boundary surveying;

iv. 24 semester hours of math, statistics and general science; and

v. Nine semester hours of communication (writing and/or speech).

2. For purposes of conversion, one semester hour equals 1.5 quarter hour credits.

(e) An applicant with a non-United States degree who has documented that due to political or economic sanctions he is unable to have the transcript sent directly to the Board must submit his original transcript to the Board office. The applicant must also provide a literal, verbatim English translation, certified to be accurate by a competent authority. In addition, the applicant must list all courses and their description on the Reconstruction Form which is provided by the Board.

(f) Any applicant who has attended an institution not located in the United States shall have his or her degree evaluated by a review service selected and approved by the Board. Reviews by other services will not be accepted.

(g) Transcripts shall be sent directly from the applicant's school and shall contain an official registrar's seal.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

13:40-2.4 Language comprehension requirement

(a) An applicant for licensure as a professional engineer or land surveyor who received his or her undergraduate degree from a non-English speaking country or a country wherein the primary language is other than English, prior to taking the examination shall submit to the Board a TOEFL (Test of English as a Foreign Language) certificate with a minimum score of 575 and a TSE (Test of Spoken English) with a minimum score of 220 or its equivalent. This test shall have been taken within two years of application. An applicant who has received a B.S. from a foreign country wherein the primary language is English shall be exempted from this requirement.

(b) An applicant who is an American citizen at the time of obtaining his or her undergraduate degree from a non-English speaking country, or a country wherein the primary language is other than English shall be exempted from this requirement.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

13:40-2.5 Experience

(a) Pursuant to N.J.S.A. 45:8-35, an applicant for a professional engineering license who is applying to sit for the principles and practices exam must have four years of professional experience acceptable to the Board which shall be gained under the regular and effective supervision of a licensed professional engineer.

1. Two years of said experience shall be gained in the United States; and

2. Two years of said experience shall be original engineering design experience demonstrating increased responsibility over time, that is of a character acceptable to the Board.

(b) An applicant for a land surveying license shall obtain at least three years of experience which shall be original land surveying experience demonstrating increased responsibility over time, that is of a character acceptable to the Board. All experience shall be gained under the regular and effective supervision of a licensed land surveyor.

(c) Experience prior to graduation from a Board approved program will be evaluated by the Board on a case-by-case basis if experience is gained under the regular and effective supervision of a licensed professional engineer or a licensed land surveyor, and if the applicant has passed the appropriate technical courses needed to perform the work experience.

(d) All reference information submitted to the Board shall be legible and placed on forms provided by either the Board or the NCEES in the case of comity applications.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

13:40-2.6 References

(a) The following rules shall apply to all applicants:

1. Reference will not be accepted from relatives of the applicant.

2. No current Board member shall be used as a reference.

3. All reference forms must contain the applicant's Board assigned number.

4. No references over one year old will be accepted.

(b) References shall be provided as follows:

1. Engineer-in-training applicants: Of the three references required, one shall be a licensed professional engineer in the United States and have personal knowledge of the applicant's experience or training.

2. Professional engineer applicants: A minimum of five references shall be required, of which at least three shall be licensed professional engineers in the United States having direct personal knowledge of the applicant's experience or training. The professional references for that portion of the applicant's experience constituting the minimum experience required for licensure shall be professional engineers who were in responsible charge of that minimum experience. If the number of experience engagements necessary to constitute the minimum experience requires more than three professional references to confirm such experience, such additional professional references shall be required. Special circumstances may be considered by the Board at the time of application in such cases where a licensed professional engineer in responsible charge of the work being claimed by the applicant is not available.

3. Professional land surveyor applicants: A minimum of five references shall be required, of which at least three shall be licensed professional land surveyors in the United States having direct personal knowledge of the applicant's experience or training. The professional references for that portion of the applicant's experience constituting the minimum experience required for licensure shall be licensed professional land surveyors who were in responsible charge of that minimum experience. If the number of experience engagements necessary to constitute the minimum experience requires more than three professional references to confirm such experience, such additional professional references shall be required. Special circumstances may be considered by the Board at the time of application in such cases where a licensed professional land surveyor in responsible charge of the work being claimed by the applicant is not available.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

13:40-2.7 Comity

(a) Comity licensure pursuant to N.J.S.A. 45:8-35(1) shall be granted provided that education, experience, and examination requirements for licensure by the issuing agency are comparable to current requirements of the State of New Jersey at the time of the applicant's initial licensure.

(b) All prior State licenses must be current, active and in good standing in order for licensure pursuant to N.J.S.A. 45:8-35(1)(d) or (e) to be granted. The Board's enabling legislation does not contain an eminence or grandfather clause, nor reciprocity with any state, territory or country.

(c) A record book from the National Council of Examiners for Engineering and Surveying (NCEES) shall be acceptable to the Board only if it is sent directly to the Board

office from the National Council of Examiners for Engineering and Surveying. The applicant shall complete the personal data portion of the Board application form in its entirety. The record book shall meet the following requirements:

1. The book shall be labeled with the application number;
2. References over one year old will not be acceptable; and
3. All references and transcripts shall be submitted to the Board in conformance with N.J.A.C. 13:40-2.3 and 2.5.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

13:40-2.8 Waiver

(a) The Board may waive the fundamentals of engineering portion of the exam provided that, in addition to the education requirements at N.J.A.C. 13:40-2.3, the applicant has a specific record of an additional 15 years or more of experience at the time of application in engineering work of a character satisfactory to the Board. Eight of the 15 years of experience must have been gained in the United States or must have been acquired while working for a United States based firm. At least two years of experience gained in the United States shall be original engineering design experience demonstrating increased responsibility over time. All experience shall be gained under the regular and effective supervision of a licensed professional engineer.

(b) The specialized training section of the exam shall not be waived.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

13:40-2.9 Cancellation of applications

(a) Any applicant for examinations given for professional engineering or land surveying who fails the same part, with a score of 65 percent or below on the last three examinations taken shall have said application cancelled.

(b) Any applicant who has had an application cancelled as in (a) above, may only reapply for examination after a two year period and must reapply under the same application number originally assigned.

(c) Any applicant who fails to sit for two consecutive exams for which said individual was eligible or scheduled to take, shall have said application cancelled.

(d) Any applicant who has had an application cancelled for failure to sit as in (c) above may only reapply after a six month period and must reapply under the same application number originally assigned.

(e) Applications will be cancelled at a public meeting after notice to the applicant.

(f) An applicant who has had an application cancelled will be required to submit a new application, pay appropriate fees, meet Board deadlines, and again submit all required documents, including references.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

13:40-2.10 Review of examination

(a) An applicant who has taken the fundamentals of engineering exam, fundamentals of land surveying exam, or principles and practices of engineering and/or land surveying and the New Jersey L.S. exam, may request a hand score and score tabulations of each exam taken. The applicant may not personally review the exams.

(b) An applicant who has taken the principles and practices exam may request to review his or her solution pamphlet and the correct solution answers.

(c) All requests for scoring or review must be made in writing within 30 days of the mailing of score to the applicant.

(d) An applicant may not appeal, or request re-evaluation of the exam.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

SUBCHAPTER 3. MISCONDUCT

13:40-3.1 Enumeration of prohibited acts

(a) Misconduct in the practice of professional engineering or land surveying shall include, without limitation:

1. Acting for his or her client or employer in professional matters otherwise than as a faithful agent or trustee; accepting any remuneration other than his or her stated recompense for services rendered.

2. Disregarding the safety, health and welfare of the public in the performance of his or her professional duties: preparing or signing and sealing plans, surveys or specifications which are not of a safe design and/or not in conformity with accepted standards. If the client or employer insists on such conduct, the licensee shall notify the proper authorities and withdraw from further service on the project.

3. Advertising his work or merit using claims of superiority which cannot be substantiated.

4. Engaging in any activity which involves him in a conflict of interest, including without limitation:

i. A licensee shall inform his client or employer of any business connection, interest or circumstance which might be deemed as influencing his judgment or the quality of his services to the client or employer.

ii. When in public service as a member, advisor or employee of a governmental agency, a licensee shall not participate in the deliberations or actions of such agency with respect to services rendered or to be rendered by the licensee or any firm or organization with which he is associated in private practice.

iii. A licensee shall not solicit or accept a professional contract from a governmental agency upon which a principal, officer or employee of his firm or organization serves as a member, advisor or employee.

iv. A licensee shall not accept compensation or remuneration, financial or otherwise, from more than one interested party for the same service or for services pertaining to the same work, unless there has been full disclosure to and consent by all interested parties.

v. A licensee shall not accept compensation or remuneration, financial or otherwise, from material or equipment suppliers for specifying their product.

vi. A licensee shall not accept commissions or allowances, directly or indirectly, from contractors or other persons dealing with his client or employer in connection with work for which he is responsible to the client or employer.

5. Affixing his or her *signature and* seal to any plans, specifications, plats or reports or surveys which were not prepared by him or her or under his or her supervision by his or her employees or subordinates.

6. Failure to comply with Federal, state or local laws, rules or regulations relating to the practice of the profession.

7. Permitting or allowing any person not appropriately licensed pursuant to N.J.S.A. 45:8-27 to act for or on behalf of the licensee as his representative, surrogate or agent while appearing before any public or private body for the purpose of rendering professional engineering or land surveyor services.

8. Failure to determine and document the identity of the client prior to commencing any work. All correspondence, contracts, bills shall be addressed to that client, unless expressly directed otherwise, in writing, by the client.

9. Failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

10. Failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions.